

AMENDED IN ASSEMBLY MARCH 5, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 74

Introduced by Assembly Member Chesbro
(Principal coauthor: Assembly Member Nielsen)
(Coauthor: Senator Wiggins)

December 16, 2008

An act to add ~~Section 12670.22~~ *Sections 12670.22 and 12670.23* to the Water Code, relating to flood control.

LEGISLATIVE COUNSEL'S DIGEST

AB 74, as amended, Chesbro. Middle Creek *and Hamilton City* Flood Damage Reduction and Ecosystem Restoration ~~Project~~. *Projects*.

(1) Existing law provides for state cooperation with the federal government in the construction of specified flood control projects.

This bill would adopt and authorize the Middle Creek Flood Damage Reduction and Ecosystem Restoration Project in Lake County *and the Hamilton City Flood Damage Reduction and Ecosystem Restoration Project in Glenn County*, at an estimated cost to the state of the sum that may be appropriated by the Legislature for state cooperation, upon the recommendation and advice of the Central Valley Flood Protection Board. The bill would require the Lake County Watershed Protection District *and Reclamation District No. 2140* to carry out ~~the project~~ *those respective projects* and to give prescribed assurances to the Secretary of the Army, thereby imposing a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12670.22 is added to the Water Code, to
2 read:

3 12670.22. (a) The Middle Creek Flood Damage Reduction
4 and Ecosystem Restoration Project in Lake County is adopted and
5 authorized substantially in accordance with the draft final project
6 modification report of the Chief of Engineers of the United States
7 Army Corps of Engineers, at an estimated cost to the state of the
8 sum that may be appropriated for state cooperation by the
9 Legislature upon the recommendations and advice of the Central
10 Valley Flood Protection Board.

11 (b) The Lake County Watershed Protection District shall give
12 assurances satisfactory to the Secretary of the Army that the local
13 cooperation required by federal law will be furnished by the district
14 in connection with the project adopted and authorized in
15 subdivision (a).

16 (c) The district, in conjunction with the Department of the Army,
17 shall carry out the plans and project and may make modifications
18 and amendments to the plans as may be necessary to carry out the
19 plans for the purposes of Chapter 1 (commencing with Section
20 12570) and this chapter.

21 SEC. 2. Section 12670.23 is added to the Water Code, to read:

22 12670.23. (a) *The Hamilton City Flood Damage Reduction*
23 *and Ecosystem Restoration Project in Glenn County is adopted*
24 *and authorized substantially in accordance with the Hamilton City*
25 *Flood Damage Reduction and Ecosystem Restoration, California,*
26 *Final Feasibility Report and Environment*
27 *Impact/Statement/Environmental Impact Report, dated July 2004*
28 *of the Chief of Engineers of the United States Army Corps of*
29 *Engineers, at an estimated cost to the state of the sum that may be*
30 *appropriated for state cooperation by the Legislature upon the*
31 *recommendations and advise of the Central Valley Flood*
32 *Protection Board.*

1 ***(b) Reclamation District No. 2140 shall give assurances***
2 ***satisfactory to the Secretary of the Army that the local corporation***
3 ***required by federal law will be furnished by the district in***
4 ***connection with the project adopted and authorized in subdivision***
5 ***(a).***

6 ***(c) The district, in conjunction with the Department of the Army,***
7 ***shall carry out the plans and projects and may make modifications***
8 ***and amendments to the plans as may be necessary to carry out the***
9 ***plans for the purposes of Chapter 1 (commencing with Section***
10 ***12570) and this chapter.***

11 ~~SEC. 2.~~

12 **SEC. 3.** No reimbursement is required by this act pursuant to
13 Section 6 of Article XIII B of the California Constitution because
14 the only costs that may be incurred by a local agency or school
15 district are the result of a program for which legislative authority
16 was requested by that local agency or school district, within the
17 meaning of Section 17556 of the Government Code and Section
18 6 of Article XIII B of the California Constitution.